

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

-----X
In re: : PROMESA
 : Title III
THE FINANCIAL OVERSIGHT AND :
MANAGEMENT BOARD FOR PUERTO RICO, : Case No. 17-BK-3283 (LTS)
 :
as representative of : (Jointly Administered)
 :
THE COMMONWEALTH OF PUERTO RICO et al., :
 :
Debtors.¹ :
-----X

-----X
In re: : PROMESA
 : Title III
THE FINANCIAL OVERSIGHT AND :
MANAGEMENT BOARD FOR PUERTO RICO, : Case No. 17-BK-3566 (LTS)
 :
as representative of : (Jointly Administered)
 :
THE EMPLOYEES RETIREMENT SYSTEM OF THE :
GOVERNMENT OF THE COMMONWEALTH OF PUERTO :
RICO, :
 :
Debtors. :
-----X

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474), and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

ORDER

This matter is before the Court on the *Motion of Certain Secured Creditors of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Compel Discovery* (Dkt. No. 402²) and the *Urgent Motion of Financial Oversight and Management Board, as Representative of Debtor, to Compel Answers to Interrogatories (and Production of Related Documents) from Movants Relating to the Stay Relief Motion* (Dkt. No. 403). The Court held a hearing on both motions on April 1, 2019. In accordance with the rulings made at that hearing, the Court hereby orders the following:

1. With regard to the Bondholders'³ motion to compel the Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS"), the Commonwealth of Puerto Rico ("Commonwealth") and the Puerto Rico Fiscal Agency and Financial Advisory Authority ("AAFAF") to search within an appropriate date range, the Court orders that relevant searches be conducted with a begin date of January 1, 2017. This ruling is without prejudice to the parties moving for an earlier search begin date if document productions reveal that an earlier date is warranted;
2. On the Bondholders' motion to compel the production of a privilege log, the Court rules that privilege logs created in this motion practice shall be categorical when necessary and include at least the following information:

² Unless otherwise noted, docket references refer to case 17-BK-3566.

³ As defined in Dkt. No. 402.

- a. Information about both the sender and the recipient of documents, where applicable, including the names of individuals, their titles, and the entity or entities they represent;
 - b. Date or applicable date range;
 - c. The type of document(s) at issue;
 - d. Whether the documents have been previously marked as confidential or privileged;
 - e. The deliberative act in question for documents over which the deliberative process privilege is asserted;
 - f. A description of the document or category of documents which is as detailed as possible without disclosing the potentially privileged information, recognizing that the description should be sufficient to permit the recipient of the log and the Court to evaluate the claim of privilege;
 - g. Where the deliberative process is asserted, claimants shall submit with any privilege log an affidavit by the relevant head of agency asserting the privilege;
 - h. Any other information which should be disclosed, in light of the types of documents at issue, to enable the recipient of the log and the Court to evaluate the claim of privilege;
3. On the Bondholders' motion to compel the Financial Oversight and Management Board for Puerto Rico ("Oversight Board") to produce documents, the parties shall submit a status report to the Court by **Friday, April 5, 2019 at 5:00 p.m. Atlantic Standard Time**

informing the Court on the status of productions to take place in accordance with the rulings made in open court;

4. On the Bondholders' motion to compel the Oversight Board to produce a witness for deposition, the Oversight Board shall designate a witness and the parties shall submit a status report to the Court by **Friday, April 5, 2019 at 5:00 p.m. Atlantic Standard Time** updating the Court on the scope of that deposition;
5. On the Bondholders' motion to compel the Commonwealth and ERS to answer interrogatories, the motion is denied without prejudice to the Bondholders filing revised interrogatories in accordance with the rulings made in open court;
6. On the Oversight Board's motion to compel discovery, the Bondholders shall supplement their answers and objections to interrogatories in accordance with the rulings made in open court.

This order resolves Dkt. Nos. 402 and 403 in case 17-BK-3566 and Dkt. Nos. 5972 and 5974 in case 17-BK-3283.

SO ORDERED.

/s/ Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge

DATED: April 2, 2019